

Message

---

**From:** Wirick, Holiday [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CB8297D55F314BDD8AE914EED7EF14E5-HWIRICK]  
**Sent:** 7/26/2021 9:38:57 PM  
**To:** Brumm, Peter [Brumm.Peter@epa.gov]; Baker, Joshua [Baker.Joshua@epa.gov]; Wiese, Justin [Wiese.Justin@epa.gov]  
**Subject:** Link to ND's WQS with wetland related provisions- Intro to ND James River issue

Hi Peter Josh and Justin, per our discussion this afternoon, here's the link to ND's Water Quality Standards. Beneath the link I listed wetland WQS-related provisions.

<https://www.epa.gov/sites/default/files/2015-09/documents/ndwqs.pdf>

### **33.1-16-02.1-09 Surface Water Classifications and Numeric Standards**

33.1-16-02.1-09(1)(e) Wetlands... considered waters of the state and will be protected under 33.1-16-02.1-08.

33.1-16-02.1-09(3)(f) Wetlands. "...the physical and chemical criteria shall be those for Class III streams, with exceptions for temperature, dissolved oxygen... and other conditions not attributable to municipal, industrial, domestic or agricultural sources."

33.1-16-02.1-09(3)(e) Class III streams. The physical and chemical criteria shall be those for Class II streams.

33.1-16-02.1-09(3)(d) Class III streams. The physical and chemical criteria shall be those for Class IA streams.

33.1-16-02.1-09(3)(b) Class IA streams. The physical and chemical criteria shall be those for Class I streams.

33.1-16-02.1-09(3)(a) Table 1. Under E. coli criteria: Not to exceed 126/100 mL as geometric mean... of representative samples collected during any 30-day consecutive period, nor shall more than 10% of samples collected during any 30-day consecutive period individually exceed 409 organisms per 100 mL. For assessment purposes, the 30-day consecutive period shall follow the calendar month. The standard shall apply only during the recreation season May 1 to Sept 30.

### **33.1-16-02.1-08 General Water Quality Standards**

33.1-16-02.1-08(a)(6) Free from nutrients attributed to... agricultural practices in concentrations or loadings and will cause eutrophication resulting in the objectionable growth of aquatic vegetation or algae or other impairments to the extent that it threatens public health or welfare or impairs present or future uses.

33.1-16-02.1-08(e) No discharge of pollutants,\* which alone or in combination with other substances, shall

- (1) cause a public health hazard or injury to environmental resources;
- (2) Impair existing or reasonable beneficial uses of the receiving waters; or
- (3) Directly or indirectly cause concentrations of pollutants to exceed applicable standards of the receiving waters.

\*Peter, is release of cow urine or feces considered a "discharge" LOL? I read that the average cow produces 3.5 gallons of urine daily and 65 pounds of feces/manure daily.

I look forward to working with you on this issue.

Thanks,  
Holly Wirick  
Water Quality Section  
303-312-6238  
773-882-1645 (cell)